



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 12 2004

Jasen Hutchinson
Friends of Susan Bitter Smith
5806 E. Lewis Avenue
Scottsdale, AZ 85257

RE: MUR 5103

Dear Mr. Hutchinson:

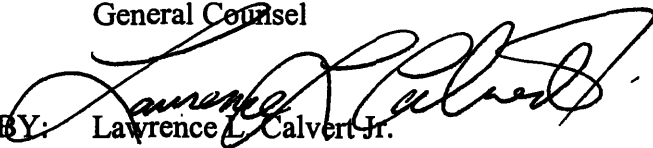
This is in reference to the complaint and amended complaint you filed with the Federal Election Commission on September 25, 2000 and March 6, 2001, respectively, concerning anonymous fraudulent faxes. Based on that complaint and amended complaint, on October 15, 2003, the Commission found that there was reason to believe Anthony "Todd" Banasack violated 2 U.S.C. § 441d(a), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter. However, after considering the circumstances of this matter on November 2, 2004, the Commission determined to take no further action against Anthony "Todd" Banasack. The Commission also found that on the basis of the information provided in your complaint and amended complaint, and information provided by respondents, there is no reason to believe Acacia National Mortgage Corporation; its president, Gerald Youhanaie; and j2 Global Communications, Inc. violated 2 U.S.C. § 441d(a) in this matter. Accordingly, on November 2, 2004, the Commission closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). A copy of the dispositive General Counsel's Report is enclosed for your information.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence H. Norton
General Counsel


BY: Lawrence L. Calvert Jr.
Deputy Associate General Counsel
for Enforcement

Enclosure
General Counsel's Report